

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

**DELROY HENRY and ALONSO BANOS,
Individually and on Behalf of all other Employees
Similarly Situated,**

Plaintiffs,

-against-

**LITTLE MINT, INC. d/b/a DISHES, MINI MINT,
INC. d/b/a DISHES, MOSHE MALLUL, MAGGIE
TALISMAN and JOHN DOES #1-10, Jointly and
Severally,**

Defendants.

ECF Case

12-cv-3996 (CM)

**DECLARATION OF BRENT E. PELTON, ESQ. IN SUPPORT OF
PLAINTIFFS' MOTION FOR CLASS CERTIFICATION**

I, Brent E. Pelton, declare under penalty of perjury that the following is true:

1. I am a partner with the law firm of Pelton & Associates, PC, counsel for the Plaintiffs in this action. This declaration is based on my own personal knowledge. I make this declaration in connection with Plaintiffs' Motion for Class Certification of Plaintiffs' New York Labor Law (NYLL) claims, pursuant to Fed. R. Civ. P. 23, filed contemporaneously herewith.

PELTON & ASSOCIATES, PC

2. Pelton & Associates, PC is dedicated to representing workers in various employment law contexts.
3. While the firm primarily practices within the area of wage and hour litigation, we also handle other employment law matters for employees including sexual harassment and discrimination claims.

4. The firm is currently handling litigation within the Southern and Eastern Districts of New York. Most of our wage and hour cases are handled as collective actions or hybrid Rule 23 class/FLSA collective actions.
5. Pelton & Associates PC is presently advancing the costs of the litigation. Pelton & Associates PC is well-suited to advance subsequent necessary costs to ensure the continued viability of this litigation.
6. Cases involving class and/or collective actions in which Pelton & Associates PC has acted as lead counsel include: *Morris et al., v. Lettire Construction Corp., et al.*, 12-cv-0043 (NRB) (S.D.N.Y.); *Zivali v. AT&T Mobility LLC, et al.*, 08-cv-10310 (JSR)(S.D.N.Y.); *Figueroa, et al. v. EZE Castle Integration, Inc., et al.*, 10-cv-1607 (RMB)(S.D.N.Y.); *Artica, et al. v. J.B. Custom Masonry & Concrete, Inc. et al.*, 09-cv-3796 (CBA)(E.D.N.Y.); *Peralta, et al. v. Allied Contracting II Corp., et al.*, 09-cv-0953(NGG)(RER)(E.D.N.Y.); *Ferrer, et al. v. Raines & Welsh & Sons, Inc., et al.*, 09-cv-4309 (HB)(S.D.N.Y.); *Rodney Malloy v. Richard Fleischmen & Associates, Inc. et al.*, 09-cv-0322(CM)(S.D.N.Y.); *Saleh, et al. v. Shoe Mania, et al.*, 09-cv-4016 (LTS) (S.D.N.Y.); *Robles v. Copstat Security, LLC, et al.*, 08-cv-9572 (SAS) (S.D.N.Y.); *Hunter, et al. v. Vision Lens Express, Inc., et al.*, 08-cv-1927 (RRM) (E.D.N.Y.); *Wallerson v. Resort Nursing Home, Inc., et al.*, 07-cv-4775 (CPS)(CCP) (E.D.N.Y.), among others.
8. Courts have also regularly approved the appointment of Pelton & Associates PC to serve as class counsel. *See, e.g., Monserrate et al. v. Tequipment, Inc., et al.*, 11-cv-6090 (DLI)(RML) (E.D.N.Y.); *Saleh, et al. v. Shoe Mania, et al.*, 09-cv-4016 (LTS)

(S.D.N.Y.); *Rodney Malloy v. Richard Fleischmen & Associates, Inc. et al.*, 09-cv-0322 (CM) (S.D.N.Y.).

EXHIBITS

9. Attached hereto as **Exhibit A** are true and correct copies of referenced pages from the transcript of the deposition of Plaintiff Delroy Henry, taken September 7, 2012.
10. Attached hereto as **Exhibit B** are true and correct copies of referenced pages from the transcript of the deposition of Defendants Moshe Mallul, taken September 6, 2012.
11. Attached hereto as **Exhibit C** are true and correct copies of referenced pages from the transcript of the deposition of Defendants Maggie Talisman, taken September 6, 2012.
12. Attached hereto as **Exhibit D** are true and correct copies of payroll records for Little Mint, Inc. (Dishes Grand Central) from the pay period 10/25/11 – 11/07/11, reflecting all hours paid at the employees' regular hourly rate.
13. Attached hereto as **Exhibit E** are true and correct copies of payroll records for Little Mint, Inc. (Dishes Grand Central) from the pay period 11/08/11 – 11/21/11, reflecting the payroll accounting change which provides lower hourly rates than the records from the prior week (Exhibit E) and an "hours paid" column.
14. Attached hereto as **Exhibit F** are true and correct copies of payroll records for Mini Mint, Inc. (Dishes on Park) from the pay period 4/26/10 – 5/09/10, reflecting all hours paid at the employees' regular hourly rate.
15. Attached hereto as **Exhibit G** are true and correct copies of payroll records for Mini Mint, Inc. (Dishes on Park) from the pay period 5/10/10 – 5/23/10, reflecting the payroll accounting change.

16. Attached hereto as **Exhibit H** is the proposed NOTICE OF PENDENCY OF CLASS ACTION in English and Spanish, which Plaintiffs' request the Court approve for dissemination to Class members notifying them of their rights with regard to this class action litigation.

I declare under penalty of perjury that the foregoing is true and correct. Executed on this 5th day of October, 2012.

/s/ Brent E. Pelton

Brent E. Pelton, Esq. (BP 1055)
PELTON & ASSOCIATES, PC
111 Broadway, Suite 901
New York, New York 10006
Tel.: (212) 385-9700, Fax: (212) 385-0800
pelton@peltonlaw.com

*Attorneys for Plaintiffs, Individually, and
on Behalf of All Other Persons Similarly Situated*